

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 YEVGENY DUBINSKY,

12 Plaintiff, No. C 11-05751 CRB

13 v. **ORDER DISMISSING CASE**

14 TD SERVICE CO, ET AL.,

15 Defendants.

16
17 Defendant TD Service Co. moved to dismiss this case in December 2011, then re-
18 noticed its motion in January 2012. See Mot. (dkts. 6, 12). Plaintiff failed to timely oppose
19 Defendants' Motion, but did respond to the Court's Order to Show Cause, indicating his
20 intent to prosecute this case and asking the Court for an extension of time – until March 7,
21 2012 – to file his opposition. See Response (dkt. 15). Despite Plaintiff's having provided
22 the Court with no explanation for his failure to timely file an opposition brief, or for his need
23 for an extension, the Court granted Plaintiff's request, noting that it would do so "on this one
24 occasion." See Order (dkt. 16). The Court moved the hearing date back to accommodate the
25 revised briefing schedule. Id.26 Two days before the hearing on Defendant's Motion, Plaintiff filed a one paragraph
27 "Motion to Extend Time," in which he requested "a 30 day extension of time to work on
28 discoveries affiliated with this case." See Mot. for Extension (dkt. 27). That Motion

1 contains no explanation for Plaintiff's need for an extension. See id. The Court did not
2 receive a chambers copy of the Motion for Extension, as required by Civil Local Rule 5-1,
3 and the Court had not ruled on the Motion for Extension at the time of the hearing on
4 Defendant's Motion to Dismiss. On Friday, April 6, 2012, the Court proceeded with the
5 hearing on Defendant's Motion to Dismiss, and Plaintiff failed to appear. See Minutes (dkt.
6 29). Accordingly, the Court DISMISSES the case for failure to prosecute under Federal Rule
7 of Civil Procedure 41(b).

8 **IT IS SO ORDERED.**

9
10 Dated: April 6, 2012



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE